

Subject: Re: WestPoint Harbor Action Items & Others

Date: Monday, August 8, 2011 3:58 PM

From: Ellen Miramontes <ellenm@bcdc.ca.gov>

To: Maureen O'Connor <moc@paspeech.com>, Tom Sinclair <toms@bcdc.ca.gov>, Brad McCrea <bradm@bcdc.ca.gov>, <mark@westpointharbor.com>

Maureen and Mark,

Thank you for your write-up from our meeting. I have provided a few comments in response.

Regards,

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On 8/7/11 8:02 AM, "Maureen O'Connor" <moc@paspeech.com> wrote:

> Tom,

>

> Thank you for your response. Since I rec'd an email acknowledgement from you, > I

> won't bother sending hard copies.

>

> Attached is our action item list. I asked Mark to review it for

> typos/spelling/

> misnaming errors which he did. He did not edit or modify content. The margin

> formatting is off on the left and neither of us have been able to alter it so

> it comes through correctly on an attachment (different versions of WORD?)

>

> Mark also sent attachments of WPH Rules and Regs and the licensing agreement

> which all boaters sign. I am emailing them on to you. Thank you.

Maureen

>

> P.S. Wisconsin is beautiful. Dramatic 30-minute thunder & lightning downpour

> yesterday followed by a horizon-to-horizon rainbow...not unlike squalls in the

> Pacific.

ACTION ITEM LIST RE WPH/BCDC MEETING FRIDAY, JULY 29, 2011

(Prepared by Maureen O'Connor Sanders)

Maureen and Mark,

Please see my comments, answers and questions inserted in bold, blue type.

- Ellen Miramontes 8/8/11

Participants: Tom Sinclair, Brad McCrea, Ellen Miramontes, Mark Sanders, Maureen O'Connor Sanders. Present-not participating: BCDC Attorney (sorry I missed his name – **John Bowers**) and 2 legal interns – **Sarah Foley and Kate Keller**.

Items listed as detailed in Tom Sinclair's May 4, 2011 letter but not in order of discussion at the meeting. Meeting notes available for reference.

1. Permit expiration.

WPH has received extending permit—4 year extension—into October, 2014.

Action item: Completed.

2. Plan review.

Landscaping

Extensive discussion of difference between design development drawings and design-build basis vs. detailed construction plans. BCDC/Ellen clarified that, at this point, WPH needs to submit to BCDC a modified landscape construction plan which reflects not only layout of public access areas (BCDC already has) but also site details and “furnishings” (e.g., benches, irrigation, vegetation, trashcans, tree locations, etc.). Plan then reviewed by Ellen, discussed with WPH, and implemented as approved.

Action item for WPH: Obtain list of landscape engineering firms and contract to develop landscape construction plan. Submit to BCDC. Meet with Ellen Miramontes subsequent to her review to discuss and finalize plan. Implement approved plan.

Action item for BCDC: Provide suggested landscape engineering firms, if requested. Review submitted plan. Meet with WPH subsequent to review to discuss and finalize plan. Ensure implementation complies with plan.

Basic construction permit

Repeated discussions during meeting re the observations that what the initial permit stipulates does not match “what is out there on the ground”. Many/most changes and modifications have been dictated by site conditions and difficulty of preparing, processing and building on Bay mud. Availability of specialized equipment such as long-reach excavators has also been limited. BCDC and WPH both acknowledge that these factors likely could not have been foreseen or precluded, but also acknowledge that the permit, current status, and plan-going-forward do not match. Amending the permit in consideration of these factors seems advisable. It is suggested (by WPH) that a subsequent

meeting or phone conversation be scheduled to discuss the natural progression of events doing forward in this development which seems to be dictated by “lessons learned” from the early stages in preparing these amendments.

Action item for WPH: Make self available to BCDC staff who oversees permit amendment process to discuss/clarify/outline probable progression re. ongoing WPH development. Call and determine appropriate BCDC staff person; provide schedule of availability; provide info and support in process.

Action item for BCDC: Determine BCDC staff to oversee permit amendments; use WPH/Mark as information source in preparing amendments. Implement.

3. Public access improvements.

NOTE: For these action items, public access areas = front of property between Seaport Blvd. and basin and back of property adjacent to “shoreline” at south end of basin and launch ramp, as well as specific items listed below in A—K.

Front of property (Temporary granite pathway and Pacific Shores connection).

Description of front “bench” of mud from basin initially being uploaded onto front property and then removed to Bair Island restoration project. Discussion of importance to BCDC of public access up front—early in development process, even if this access is limited and not inclusive of eventual Phases 2 and 3 of WPH, not yet begun. Discussion of WPH’s conflict with edicts from Redwood City Planning Commission and Pacific Shores business complex to not open front property to public access until judged a safe area vs. BCDC’s public access priority. WPH noted presence of temporary decomposed granite pathway for access to public docks (Phase 1A). WPH stated site preparation (underground power, water, trees —

(Note: all landscaping work should be stopped until plans can be developed, reviewed and approved) and irrigation system) being completed in August 2011 WPH anticipates addressing the crossing path to/with Pacific Shores by the end of 2011 and joining it to the temporary pathway to public guest docks. This would/will provide public access on front property. BCDC conveyed requirement to have access to granite path as soon as possible with appropriate signage and possibly some barrier fencing along path to prevent encroachment onto open fields. BCDC noted that, with appropriate signage, owner liability would be minimal. Reference to Landowner Liability and Public Access by Bradley Mart of Bay Planning Coalition given to WPH by BCDC attorney.

Action item for WPH: Continue work on front property in expeditious manner. Provide BCDC with another copy of WPH/Pacific Shores agreement. Confer with BCDC/Ellen once landscaping plan process is underway re.signage, possible railings or fence-like barriers bordering granite pathway, etc. Secure agreement from RWC and Pacific Shores what site is safe for public access. Implement.

Back of property (Launch ramp, launch ramp parking, south shoreline of WPH basin).

Discussion by both parties of status of back property soils conditioning and the implications and timelines for development of launch ramp, parking and any access paths. Concrete launch ramp itself poured in Phase 1A before basin flooding. Back “bench” of bay mud was only recently removed and now being processed and dried on-site (no option for removal as with front soils); not yet processed and compacted for permanent parking lot or path; have to settle over 1 winter—final processing likely summer 2012; utilities to launch ramp area just completed July 2011; next step is roadway to back but not yet “around the corner” onto unprocessed soils; BCDC permit may need amendment to reflect this progression “so that permit matches what is out there on the ground.” Target date for opening of functional launch ramp= summer of 2011? – **I believe you mean summer 2012?**

Action item for WPH: Continue work on back property in expeditious manner. Continue to rip, grade, dry and compact soil. Complete road out to launch ramp corner. Rock area for eventual launch ramp parking. Install lights and fire protection when appropriate. Build these steps and anticipated timeline into permit amendments if possible.

3 (a). Public boat launch ramp.

See paragraph directly above. Concrete launch ramp completed (Phase 1A) and utilities out to boat launch just finished. Ramp floats done June 2011); still needs: road + lighting + fire protection + parking. This current status and future development should be reflected in permit amendment descriptions.

Action item for WPH: See action item immediately above.

3(b) and 3(c). Parking spaces and signs for public use.

WPH/Mark noted permit says all parking is public access; however, he has now marked public parking spots and provided photos for BCDC file. Perhaps these spots also need to be indicated by parking signs? – **yes, these would be indicated by signs**

Action item for WPH: Discuss with BCDC/Ellen if there is a need for parking signs in addition to current painted signage. This may be part of landscape plan? – **These would be indicated on a signage plan which also would indicate the public access signage**

3(d) and 3(e). 85,300 sf of walkway not fully completed and pedestrian access connection from Pacific Shores.

Final boardwalk on front property adjacent to retail area can not be built until plans for Phase 2 and 3 approved and implemented. Temporary 10’ wide decomposed granite pathway was originally to provide access to public guest docks and will by end of 2011 be joined with connection to Pacific Shores walking path. Phase 1B currently about 80% complete.

Action item for WPH: See action item re Front of Property on page 2.

3(f). Ten guest berths not identified with signage.

Forty (40) guest berths (1000' of dock) available on public guest dock and signed in compliance with CS Dept of Boating and Waterways since opening of guest docks. Photos supplied for BCDC file.

Action item for WPH: Completed with photo documentation?

3(g). Public restrooms not signed or open to public.

Two public restrooms open since completion of harbormaster building and signed appropriately (visitor may have confused laundry room with restroom?); door and interior restroom photos supplied for BCDC files; marina live-aboards can also confirm history of signage. Women's room completely open; men's room requires # key command-readily shared with anyone who asks for access-due to repeated acts of vandalism.

Action item for WPH: Completed with photo documentation?

3(h). Landscaping and condition.

3(i). Site furnishings.

3(j). Public access and Bay Trail signs

See Item 2 re. need for Landscape Construction Drawings/Plan to be submitted to BCDC/ Ellen Miramontes. Landscaping and site furnishings details, at least as pertain to public access areas, will be included, reviewed and implemented as part of this process. Benches, signs, tables, etc. not yet in place because front property just being opened to public access as 2011 ends and front site preparation (irrigation and planting) is completed.

Action item for WPH: See action item re Plan Review-Landscaping page 1.

Action item for BCDC: See action item re Plan Review-Landscaping page 1.

3(k). Plan approvals and submission of plans.

Discussion of initial submission of construction drawings but BCDC inability to review drawings and approve in writing within 45 days (budget cutbacks) as per Sanders/McCrea email exchange. Initial WPH used in subsequent meetings with applicant, DRB, etc. and part of amendments.

Action item for WPH: See action item re Plan Review-Basic Construction Permit page 1.

Action item for BCDC: See action item re Plan Review-Basic Construction Permit page 1.

5. Signage and buoys

Greco Island: Initial recommendation of signs on buoys rejected by Fish and Wildlife and Coastguard. F/W provided their standard signs used on all refuges "standard signs we produce and require you to put up" + non-metallic poles + 36 spaced across island + wires to keep birds off. Discussion of whether signs are too white and constitute "visual pollution" which may require screening techniques (such as trees in Tahoe).

Action item for WPH: Contact F/W to see what their standards are and if there are other sign options. Advise BCDC of response.

No Wake Zone: No wake signs in place at entrance to WPH; WPH responsibility=within 200' of boats. Photo provided for BCDC files. No wake channel and channel entrance signs in place but responsibility of Port of Redwood City and Coast Guard.

Action item for WPH: Completed with photo documentation?

Visual barrier to Cargill lands: WPH and BCDC agreed that a fence is not an acceptable option cosmetically and environmentally (refuse collection). Other acceptable option is 85-90' set-back. BCDC/Tom questioned whether set-back was adequate at edge of parking lot. WPH/Mark reply was that now that salt is dessicated, we do have the distance we need. Have mulched the area and will re-try planting at that site; past planting have failed.

Action item for WPH: Discuss vegetation options with BCDC/Ellen. This may be part of landscape plan? – yes

Marine toilet rules and regs: BCDC looking for standard berthing agreement that boaters receive. BCDC already does have marina maintenance manual and harbor rules and regs.; clarification=what is needed is portion of the license that boaters co-sign.

Action item for WPH: Submit form which boaters co-sign to BCDC for file.

Live-aboard boats: Limited to 10% by permit; WPH vigilant re. quantity and quality of live-aboards—receive many requests. Description of the fact that all WPH slips are live-aboard capable because all slips have pump-out facilities at the slip. WPH priority is to have pristine water in harbor and this is assured by slip-side pump-outs; water quality tested regularly. Live-aboards are distributed evenly on docks for security purposes but have option to request new slips because of change in boat size, neighbor issues, personal preferences. Can provide current schematic of WPH with current distribution of live-aboards but want to avoid re-submitting each time 1 boater moves. Suggestion: Update schematic if significant changes occur, e.g., need to close an entire dock to live-aboards.

Action item for WPH: Submit current schematic for live-aboards at WPH to BCDC for file.

Contractor Review: Contractors required by permit and by WPH to read permit before commencing work WPH stipulates this on stamped bid specs and drawings; reminder letter and email also send. BCDC looking for signature from general contractors and will provide BCDC confirmation form.

Action item for BCDC: Forward signature form for general contractors to WPH.

NOAA Update of Nautical Charts: This process has been completed and "Notice to Mariners" published to all in 2009 but BCDC has nothing in WPH file. Need document in file acknowledging that WPH and NOAA worked

Action item for WPH: Obtain documentation (email, memo, letter or co-signed document)

from NOAA personnel verifying that WPH and NOAA worked cooperatively on this.

Is that all? That's what I could glean from my notes, BCDC/Tom's original letter, and WPH/Mark's written responses to Tom. Let me know if there is some glaring omission!